

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE TRANSPARENCY PROJECT,	§	
	§	
Plaintiff,	§	CIVIL ACTION No. 4:20CV468
	§	
v.	§	
	§	
U.S. DEPARTMENT OF JUSTICE,	§	JUDGE AMOS L. MAZZANT, III
	§	
Defendant.	§	

DEFENDANT’S AUGUST 9TH STATUS REPORT

Defendant, the United States Department of Justice (“DOJ”) submits this status report.

Defendant received Plaintiff’s first request dated March 13, 2018, and initiated a search for potentially responsive records on May 9, 2018. Defendant received Plaintiff’s second request dated May 25, 2020, and initiated a search for potentially responsive records on August 11, 2020. Defendant issued an interim response consisting of case summaries to Plaintiff on October 21, 2021. Subsequently, on February 28, 2022, Plaintiff advised Defendant through undesignated counsel to stop processing the case summaries. On May 24, 2022, Plaintiff confirmed that he would like the Defendant to begin to collect and process the underlying case records related to the case summaries. Given the age of the records Plaintiff seeks, the records are maintained in storage at the Federal Records Center (“FRC”), which was closed during the pandemic from May 2020 through March 28, 2022, except for emergency requests for records.

Defendant submitted a request to retrieve the underlying case records from the FRC for initial review and processing and located approximately 115 boxes. These are hard-copy physical paper records. Thus, retrieving, digitizing, and re-boxing these records is very labor intensive. Defendant rarely scans, digitizes, and re-boxes hard-copy physical paper records, so there is not a normal rate of performing these tasks. The Criminal Division FOIA/PA Unit would need to do document prep, scan, and re-box the records retrieved from the FRC. Document preparation includes the removal of all fasteners, bindings, staples, and document orientation; scanning includes inserting applicable separator sheets and maintaining quality control of each scanned grouping of pages; and re-boxing includes fully reassembling each box back to its “as received” state. To document prep, scan, and re-box the approximate 115 boxes (an estimated 430,000 pages), the Criminal Division FOIA/PA Unit anticipates it would take at minimum 115 weeks or 26 months (October 2024) with two Criminal Division FOIA/PA Unit assigned to this specific task part-time. The Criminal Division FOIA/PA Unit is not able to shift any additional resources to this matter for scanning and re-boxing given its other administrative requests and litigation priorities. Once the pages are scanned and ready for review, the Parties will discuss a processing schedule.

The Criminal Division FOIA/PA Unit, by way of undersigned counsel, sent Plaintiff suggestions on potential ways to narrow the scope of Plaintiff’s request to substantially decrease the search time (retrieving, digitizing, and re-boxing), which will ultimately reduce the processing time. Defendant proposes that the Parties continue

narrowing discussions and file a joint status report on September 8, 2022, updating the Court on the status of the case.

Respectfully submitted,

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY

/s/ *Andrea L. Parker*

ANDREA L. PARKER
Assistant United States Attorney
Texas Bar No. 00790851
550 Fannin St., Suite 1250
Beaumont, Texas 77701-2237
Tel: (409) 839-2538
Fax: (409) 839-2550
Email: andrea.parker@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2022, a true and correct copy of the foregoing *Defendants' August 9th Status Report* has been sent to counsel of record via the court's electronic filing system.

/s/ *Andrea L. Parker*

ANDREA L. PARKER
Assistant United States Attorney